

United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:20-mj-00594-EJY-1
Internal Use Only

Case title: USA v. Dallmann et al

Date Filed: 07/20/2020

Other court case number: 1:19-cr-00253-TSE U.S. District Court,
Eastern District of VirginiaAssigned to: Magistrate Judge Elayna J.
Youchah**Defendant (1)****Kristopher Lee Dallmann**

represented by **Aarin Kevorkian**
Federal Public Defender
411 E Bonneville, Suite 250
Las Vegas, NV 89101
702-388-6577
Fax: 702-388-6261
Email: Aarin_Kevorkian@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: FPD

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:371, 18:506(a)(1)(A) & (C), and
18:2319(b)(3) & (d)(2) Conspiracy to
Commit Criminal Copyright Infringement
FORFEITURE

Disposition

Plaintiff**USA**represented by **Peter S. Levitt**

U.S. Attorney

501 Las Vegas Blvd. South




Suite 1100

Las Vegas, NV 89101-

702-388-6336

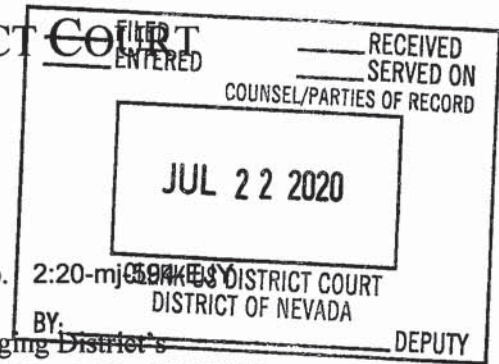
Email: peter.s.levitt@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Designation: USA**

Date Filed	#	Docket Text
07/20/2020	 <u>1</u>	*SEALED* SEALED Rule 5(c)(3) Documents Received as to Kristopher Lee Dallmann. Documents received from Eastern District of Virginia include Arrest Warrant, Petition for Action on Conditions of Pretrial Release, Addendum 1 and 2, Minutes. (HAM) (Entered: 07/20/2020)
07/20/2020	<u>3</u>	NOTICE of Order from the Eastern District of Virginia. (HAM) (Entered: 07/20/2020)
07/20/2020	<u>5</u>	<p>MINUTES OF PROCEEDINGS - Initial Appearance in Rule 5(c)(3) Proceeding as to Kristopher Lee Dallmann held on 7/20/2020 before Magistrate Judge Elayna J. Youchah. Crtrm Administrator: <i>E. Garcia</i>; AUSA: <i>Peter Levitt in person</i>; Def Counsel: <i>Aarin Kevorkain via video</i>; PTS: <i>Alicia Coughlin in person</i>; Recording start and end times: 3:45p.m. - 4:26p.m.; Courtroom: 4B;</p> <p>Defendant is present in custody with counsel. Waiver of Right to Appear in Person at Criminal Proceeding has been signed by the defendant and the Court. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Defendant is advised of his rights/charges. Defendant waives reading of the Petition for Action on Conditions of Pretrial Release and the Addendum. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in the Petition for Action on Conditions of Pretrial Release and the Addendum and is held to answer in the Eastern District of Virginia. Government moves for detention. Detention hearing proceeds. Defendant is ordered detained and is remanded to custody.</p> <p>Status Conference set for Monday, August 10, 2020 at 4:00 PM in LV Courtroom 3C before Magistrate Judge Elayna J. Youchah. The status hearing is automatically vacated if the defendant is transported to the Eastern District of Virginia.</p> <p>(no image attached) (Copies have been distributed pursuant to the NEF - EMG) (Entered: 07/20/2020)</p>
07/20/2020	  <u>6</u>	*SEALED* SEALED FINANCIAL AFFIDAVIT by Kristopher Lee Dallmann. (DRS) (Entered: 07/21/2020)
07/20/2020	<u>8</u>	WAIVER of Rule 5(c)(3) Hearings by Kristopher Lee Dallmann. (DRS) (Entered: 07/21/2020)
07/20/2020	<u>9</u>	WAIVER of Personal Appearance at Criminal Proceeding by Kristopher Lee Dallmann (DRS) (Entered: 07/21/2020)

07/20/2020	<u>10</u>	NOTICE of Assertion of Right to Counsel, the Right to Remain Silent, and Request to Have Counsel Present During Questioning as to Kristopher Lee Dallmann. (DRS) (Entered: 07/21/2020)
07/20/2020	<u>11</u>	NOTICE of Assertion of Right to be Present in Court Unshackled and Preservation of Appellate Rights as to Kristopher Lee Dallmann. (DRS) (Entered: 07/21/2020)
07/21/2020	<u>7</u>	ORDER APPOINTING COUNSEL as to Kristopher Lee Dallmann. FPD appointed as counsel for Defendant. Subpoenas issued upon request, with exception to out-of-state subpoenas which will require court approval. Signed by Magistrate Judge Elayna J. Youchah on 7/20/2020. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 07/21/2020)
07/22/2020	<u>15</u>	ORDER OF DETENTION as to Kristopher Lee Dallmann. Defendant shall be detained pending further proceedings. Signed by Magistrate Judge Elayna J. Youchah on 7/22/2020. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 07/22/2020)
07/22/2020	<u>16</u>	COMMITMENT TO ANOTHER DISTRICT as to Kristopher Lee Dallmann. Defendant committed to Eastern D/Virginia. Signed by Magistrate Judge Elayna J. Youchah on 7/22/2020. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 07/23/2020)
07/23/2020	<u>17</u>	TRANSMITTAL to the District of Virginia Eastern as to Kristopher Lee Dallman. (Transmittal, Docket report and FA electronically delivered to D/VA-Eastern-DRS) (Entered: 07/23/2020)

UNITED STATES DISTRICT COURT

for the
District of NevadaUnited States of America
v.KRISTOPHER LEE DALLMAN
*Defendant*Case No. 2:20-mj-00594-LVP
BY: ELAYNA J. YOUGHAN DEPUTY
Charging District's
Case No. 1:19-cr-00253-TSE

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of Virginia,
(if applicable) _____ division. The defendant may need an interpreter for this language:
_____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 07/22/2020

Elayna J. Youchah
Judge's signature

ELAYNA J. YOUGHAN, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Nevada

United States of America)

v.)

KRISTOPHER LEE DALLMAN) Case No. 2:20-mj-594-EJY

Defendant)

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- ☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
- ☐ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2)** (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- ☐ **(1)** the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- ☐ **(a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
 - ☐ **(b)** an offense for which the maximum sentence is life imprisonment or death; **or**
 - ☐ **(c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
 - ☐ **(d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
 - ☐ **(e)** any felony that is not otherwise a crime of violence but involves:
 - (i)** a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
 - (iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**
- ☐ **(2)** the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**
- ☐ **(3)** the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**
- ☐ **(4)** a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3)** (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (*Part III need not be completed.*)

OR

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- X By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☐ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☐ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties
- ☐ Lack of significant community or family ties to this district

- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☐ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Based on the allegations set forth in the Petition and Addendum, the Government's proffer, the information provided to the Court by Pretrial Services, and the order signed by United States District Judge T.S. Ellis, III that was filed on July 9, 2020, in the Eastern District of Virginia, the Court finds that Defendant poses a substantial risk of nonappearance and a danger to the community. The Court further finds that there are no conditions or combination of conditions that the Court can fashion to reasonably assure the protection of the community against risk of danger posed by Defendant and his future appearance in court. The Court therefore orders that Defendant be detained pending the transfer to the Eastern District of Virginia.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: July 20, 2020

United States Magistrate Judge

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,
Plaintiff,
v.
Kristopher Lee Dallmann
Defendant.

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 20 2020	
CLERK U.S. DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

Case No. 20-100-94-EJY

**WAIVER OF RIGHT TO APPEAR IN
PERSON AT CRIMINAL PROCEEDING**

I understand that I have a right to appear in person in court at the initial appearance and detention hearings in this case scheduled for June 8, 2020. I have been advised of the nature of these proceedings and my right to appear in person. I have been informed that I may appear by video teleconference, or telephone conference if video conference is not reasonably available, in light of the spread of the COVID-19 virus in the District of Nevada and in order to protect my health and safety, as well as those of the attorneys, the court and court staff.

Understanding my right to appear in person, I knowingly and voluntarily waive my right to appear at this proceeding in person, and I consent to appear by video teleconference or by telephone conference where the video teleconference is not reasonably available. I consulted with my attorney prior to deciding to waive my right to appear in person at this proceeding.

8/ Kristopher Lee Dallmann 7/20/2020

Defendant's Signature (date)

Barin E. Kevorkian
Signature of Defendant's Attorney (date)

Barin E. Kevorkian
Printed Name of Defendant's Attorney

Elayna J. Youchak
Judge's Signature (date)

ELAYNA J. YOUCHAK
U.S. MAGISTRATE JUDGE

Judge's Printed Name and Title

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 20 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
20-mj-00594-EJY	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KRISTOPHER LEE DALLMAN,

Defendant.

CASE NO.: 20-mj-00594-EJY

ORDER APPOINTING COUNSEL

The individual named below, having testified under oath or having otherwise satisfied this Court that he: (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the individual is indigent, therefore,

IT IS ORDERED that the Federal Public Defender for the District of Nevada is hereby appointed to represent KRISTOPHER LEE DALLMAN.

IT IS FURTHER ORDERED that the Clerk issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the Office of the Federal Public Defender, unless said subpoenas are to be served outside the State of Nevada. The cost of process, fees and expenses of witnesses so subpoenaed shall be paid as witness(es) and the United States Marshal shall provide such witness(es) subpoenaed advance funds for the purpose of travel within the District of Nevada and subsistence. Any subpoenas served on behalf of the individual, the return thereon to this Court shall be sealed, unless otherwise ordered.

DATED: July 20, 2020

UNITED STATES MAGISTRATE JUDGE

Federal Public Defender's Office appearance by: AARIN KEVORKIAN

**UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADA**

LLOYD D. GEORGE U.S. COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
(702) 464-5400

DEBRA K. KEMPI
DISTRICT COURT CLERK

CYNTHIA K. JENSEN
CHIEF DEPUTY

7/23/2020

US District Court
District of Virginia Eastern
via email: InterdistrictTransfer_VAED@vaed.uscourts.gov

RE: USA v. Dallman
Your Case No. 1:19-cr-00253-TSE
Our Case No. 2:20-mj-00594

Dear clerk:

Please be advised that the above-referenced defendant was arrested in the District of Nevada (Las Vegas) on a warrant issued by the District of Virginia Eastern and appeared before United States Magistrate Judge Elayna J. Youchah on 7/20/2020.

☒ The Defendant has been detained and remanded to the custody of the United States Marshal for transport.

☐ The Defendant was released on a personal recognizance bond and ordered to appear in your court on _____.

All documents completed in this district may be accessed via PACER and our website at <https://ecf.nvd.uscourts.gov>.

Thank you.

DEBRA K. KEMPI, CLERK
By:

/s/ Darci Smith

Deputy Clerk

Date Received: _____

Received by: _____